

ORIGINAL  
**WOODY'S** ENTERPRISES, I

580 W. WICKENBURG WAY  
WICKENBURG, ARIZONA 85390  
928-684-7868



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SEP 27 2005

ARIZONA CORPORATION COMMISSION  
HEARING DIVISION

September 26, 2005

Arizona Corporation Commission  
1200 W. Washington  
Phoenix, AZ 85007

Attn: Marc E. Stern  
Administrative Law Judge

Dear Honorable Marc E. Stern,

Attached please find copies of notification to the Ho-Tye Water Company customers per  
Procedural Order Docket No. W-02054A-97-0127 and Docket No. **W-03340A-97-0127** dated  
the 15<sup>th</sup> day of September, 2005.

Sincerely,

Thom Long  
Woody's Enterprises, Ltd

Enc.

cc: Linda A. Jaress, Executive Consultant III

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AZ CORP COMMISSION  
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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 JEFF HATCH-MILLER, Chairman  
3 WILLIAM A. MUNDELL  
4 MARC SPITZER  
5 MIKE GLEASON  
6 KRISTIN K. MAYES

7 APPLICATION OF HO-TYE WATER COMPANY  
8 FOR APPROVAL OF SALE OF ASSETS AND/OR  
9 TRANSFER OF ITS CERTIFICATE OF  
10 CONVENIENCE AND NECESSITY TO WOODY'S  
11 ENTERPRISES, LTD.

DOCKET NO. W-02054A-97-0127  
DOCKET NO. W-03340A-97-0127

**PROCEDURAL ORDER**

8 **BY THE COMMISSION:**

9 On March 12, 1997, Ho-Tye Water Company ("Applicant" or "Company") filed with the  
10 Arizona Corporation Commission ("Commission") an application for approval of the sale of its assets  
11 and transfer of its Certificate of Convenience and Necessity ("Certificate") to Woody's Enterprises,  
12 Ltd. ("WEL").

13 On April 18, 1997, the Company filed certification that public notice of the application had  
14 been delivered to all four customers of the Company and also published in a newspaper of general  
15 circulation. In response thereto, no protests were received by the Commission.

16 Through lack of prosecution, the Application was not processed, but remained pending.

17 On August 22, 2005, by Procedural Order, the Commission's Utilities Division ("Staff") was  
18 directed to file a response or request for administrative closure of this docket not later than September  
19 12, 2005.

20 On September 12, 2005, Staff filed its Staff Report which recommends approval of the sale of  
21 assets and transfer of the Company's Certificate to WEL. Staff indicates that it has been in contact  
22 with WEL's general manager who has informed Staff that the sale and transfer were completed  
23 without Commission approval. In its report, Staff notes that no complaints have been logged against  
24 either the Company or WEL in the past three years and there are no compliance delinquencies.  
25 Additionally, WEL is in good standing with the Commission's Corporation's Division and files  
26 timely annual reports with Staff with respect to the operation of the utility. Staff is basing its  
27 recommendation for approval primarily on the fact that there have been no complaints against the  
28 Company for a number of years and the Company in large part has been operated in a compliant

1 fashion.

2 Accordingly, while a hearing would normally be held in this instance, since Staff is  
3 recommending that no hearing be held, it will be necessary for the Company and/or WEL to renote  
4 its customers of the application and Staff's recommendations to provide the customers with an  
5 opportunity to respond if they wish to do so. Therefore, attached to this Procedural Order is a copy of  
6 the Staff Report submitted to the Commission which contains Staff's recommendations. The  
7 Company and/or WEL should provide a copy of this Procedural Order together with the attached  
8 Staff Report to each of its customers. **If any customer has any objections to the proposed transfer**  
9 **as set forth, they should file, within 14 days from the date of receipt of the Procedural Order,**  
10 **with the Commission's Consumer Affairs Section of the Utilities Division, 1200 West**  
11 **Washington Street, Phoenix, Arizona, 85007, any objections thereto.** In the event that protests  
12 are filed, a hearing will be scheduled. If no protests are filed, the matter will be presented to the  
13 Commission for its approval as recommended by Staff.

14 IT IS THEREFORE ORDERED that Ho-Tye Water Company and/or Woody's Enterprises,  
15 Ltd., shall provide, by September 23, 2005, a copy of this Procedural Order and attached Staff Report  
16 to each of its customers.

17 IT IS FURTHER ORDERED that Ho-Tye Water Company and/or Woody's Enterprises, Ltd.,  
18 shall file, not later than September 29, 2005, with Docket Control, certification that public notice of  
19 this proceeding has been made to each of its customers by distributing a copy of this Procedural  
20 Order with attached Staff Report to each of its customers.

21 IT IS FURTHER ORDERED that in the event that no protests or objections to the transfer are  
22 received within 14 days after receipt of this Procedural Order by any customer, the matter will be  
23 submitted to the Commission for its approval.

24 Dated this 15<sup>th</sup> day of September, 2005

25  
26   
27 MARC E. STERN  
28 ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered  
this 15 day of September, 2005 to:

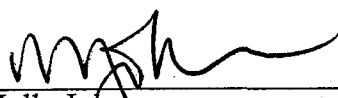
Woody's Enterprise, Ltd.  
580 W. Wickenburg Way  
Wickenburg, AZ 85390

Matthew Long  
c/o Lewis, Brisbois, Bisgaard and Smith  
Phoenix Plaza, Tower II  
2929 N. Central, Ste. 1700  
Phoenix, AZ 85012

Christopher Kempley, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

Ernest G. Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington  
Phoenix, AZ 85007

By:

  
Molly Johnson  
Secretary to Marc E. Stern

STAFF REPORT  
UTILITIES DIVISION  
ARIZONA CORPORATION COMMISSION

HO-TYE WATER COMPANY  
DOCKET NOS. W-02054A-97-0127 AND W-03340A-97-0127

APPLICATION FOR SALE OF ASSETS AND TRANSFER OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY AND ASSETS  
TO  
WOODY'S ENTERPRISES, LTD.

SEPTEMBER 12, 2005

## STAFF ACKNOWLEDGMENT

The Staff Report for Ho-Tye Water Company (Docket No. W-02054A-97-0127 and W-03340A-97-0127) was prepared by the Staff member shown below.

A handwritten signature in cursive script, reading "Linda A. Jaress".

Linda A. Jaress  
Executive Consultant III

On March 12, 1997, Ho-Tye Water Company ("Ho-Tye") filed an application for approval of the sale of assets and/or transfer of its Certificate of Convenience and Necessity ("CC&N") to Woody's Enterprises, Ltd. ("Woody's"). On the date of filing, Ho-Tye served four customers in Wikieup, Arizona in Mohave County. Attached as Exhibit 1 is a map of the certificated area. To aid the reader, the area at issue is in Section 27. After the transfer, the company name would remain "Ho-Tye".

On April 18, 1997, Ho-Tye filed the public notice it delivered to its customers regarding the sale and transfer and an Affidavit of Publication of the notice which was published in the Kingman Daily Miner on April 6, 1997. Since then, there has been no activity in these dockets. On August 22, 2005, an Administrative Law Judge issued a Procedural Order, ordering Staff to "make a filing updating the Commission on the status of this matter or close the file administratively" no later than September 12, 2005.

Staff contacted the General Manager of the company who said that the transfer was completed without Commission approval. He also said that the company is currently serving four customers.

The Consumer Services Section has logged no complaints under the names Ho-Tye or Woody's Enterprises over the past three years. The Compliance Section reports no delinquencies. With less than 15 customers, this company does not fall under the jurisdiction of the Arizona Department of Environmental Quality and is not subject to the new arsenic standards. Woody's is in good standing with the Corporations Division and files timely Annual Reports with the Utilities Division.

Under the unusual circumstances of this case, Staff recommends approval of the transfer of assets and CC&N from Ho-Tye to Woody's and staff further recommends that the Commission's Open Meeting be considered the hearing required for approval. This recommendation is based upon the age of the case, the costs of a formal hearing, the small number of customers, the lack of customer complaints and the limited opportunity for the Company to expand.

# **WOODY'S** ENTERPRISES, LTD.

580 W. WICKENBURG WAY  
WICKENBURG, ARIZONA 85390  
928-684-7868

September 20, 2005

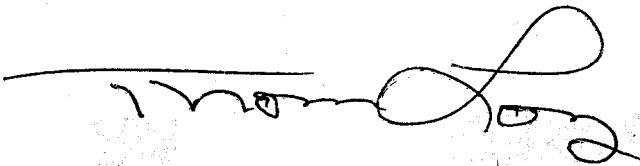
Eloy Armendariz  
Wikieup, AZ  
85360

Dear Customer,

As you are aware approximately nine years ago Woody's Enterprises, Ltd. purchased the Ho-Tye Water Co. and have continued to serve you under the state regulations for a water utility company. Due to the lack of official approval by the Arizona Corporation Commission, we were requested to re-notify all customers of the change of ownership through the Procedural Order enclosed. The staff has recommended approval of the sales transaction. You will find their written Staff Report enclosed.

We are here to serve you as your water utility company.

Sincerely,



Thom Long  
Woody's Enterprises, Ltd.

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Restricted Delivery Fee (Endorsement Required)		
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		09/20/05

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or PO Box No.  
City, State, ZIP+4  
WIKIEUP, AZ 85360

PS Form 3800, June 2002 See Reverse for Instructions

7004 1160 0000 2015 6883



# **WOODY'S** ENTERPRISES, LTD.

580 W. WICKENBURG WAY  
WICKENBURG, ARIZONA 85390  
928-684-7868

September 20, 2005

Frankie Tyler  
Wikieup, AZ  
85360

Dear Customer,

As you are aware approximately nine years ago Woody's Enterprises, Ltd. purchased the Ho-Tye Water Co. and have continued to serve you under the state regulations for a water utility company. Due to the lack of official approval by the Arizona Corporation Commission, we were requested to re-notify all customers of the change of ownership through the Procedural Order enclosed. The staff has recommended approval of the sales transaction. You will find their written Staff Report enclosed.

We are here to serve you as your water utility company.

Sincerely,

  
Thom Long  
Woody's Enterprises, Ltd.

928 684 7868  
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Restricted Delivery Fee (Endorsement Required)		09/20/05
Total Postage & Fees	\$ 4.42	

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FRANKIE TYLER	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
WIKIEUP, AZ 85360	
PS Form 3800, June 2002	See Reverse for Instructions

# **WOODY'S ENTERPRISES, LTD.**

580 W. WICKENBURG WAY  
WICKENBURG, ARIZONA 85390  
928-684-7868

September 20, 2005

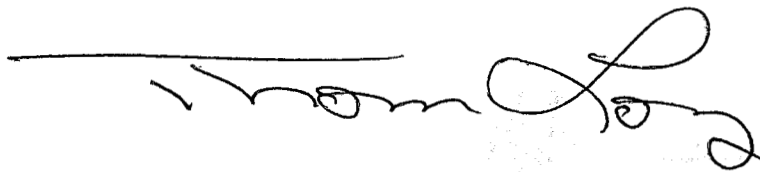
Lalo Siqueiros  
P.O. Box 1008  
Wikieup, AZ  
85360

Dear Customer,

As you are aware approximately nine years ago Woody's Enterprises, Ltd. purchased the Ho-Tye Water Co. and have continued to serve you under the state regulations for a water utility company. Due to the lack of official approval by the Arizona Corporation Commission, we were requested to re-notify all customers of the change of ownership through the Procedural Order enclosed. The staff has recommended approval of the sales transaction. You will find their written Staff Report enclosed.

We are here to serve you as your water utility company.

Sincerely,



Thom Long  
Woody's Enterprises, Ltd.

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Restricted Delivery Fee (Endorsement Required)		09/20/05
Total Postage & Fees	\$ 4.42	
Sent To LALO SIQUEIROS		
Street, Apt. No., or PO Box No. P O BOX 1008		
City, State, ZIP+4 WIKIEUP, AZ 85360		
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